IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1299 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19/08/2004 in WVMP No.2156 of 2004 in WPMP No.15955 of 2004 in WP NO : 12535 OF 2004 on the file of the High Court.)

Between:

N.Dhanalakshmi, w/o Prabhakara Rao,
r/o 11-44, Near Petrol Bunk, Kasibugga, Srikakulam District.

..... APPELLANT

AND

1. The State Transport Appellate Tribunal, Andhra Pradesh, Hyderabad rep., by its Presiding Officer Sri K.Devi Prasad, Manoranjan Complex, Near Ajantha Gate, Mojamjahi Road, Hyderabad.

2. The State Transport Authority, A.P.Hyderabad, by its Secretary, Sri Burgula Ramakrishna Rao Bhavan, Tank Bund Road, Hyderabad.

3. The APSRTC rep., by its Managing Director, Musheerabad, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant:MR.T.VENKATA RAMANA

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3: Mr.K.Srinivasa Rao, SC for APSRTC

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

We have heard the counsel for the appellant and we find no merit in the appeal. Learned single Judge by reasoned order vacated the interim order, which had been operating in favour of the appellant. The undisputed facts are that order of cancellation of appellant's permit dated 11-11-1987 became final. After 1987, the route was inoperative. Only in 1994, the petitioner-appellant woke up and filed writ petition, whereafter only on the basis of interim orders passed in judicial proceedings that the petitioner-appellant had been operating the route. On 30th June, 2004 on allowing the revision petition of the respondents, the order passed in favour of the petitioner-appellant by the State Transport Authority for grant of pucca permit on inter State route was set aside. The order dated 30th June, 2004 is under challenge in the writ petition and learned single Judge was perfectly justified in observing that till the said order is modified or reversed, there is no prima facie case in favour of the petitioner-appellant and for that reason, the interim order passed by learned single Judge was vacated.

Learned counsel for the appellant states that the appellant has already paid tax which is valid till 30th September, 2004. That alone cannot be a reason to continue the interim order of stay. There is no balance of convenience in favour of the appellant. As observed earlier, the appellant is operating only on the strength of interim orders passed in judicial proceedings for about a decade. It is a fit case not to grant any stay.

Appeal dismissed.

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DEVINDER GUPTA, CJ

24-8-2004

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C.V.RAMULU, J

Sd/-D.LAXMINARAYANA

DEPUTY REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Presiding Officer, The State Transport Appellate Tribunal, Andhra Pradesh, Hyderabad, Manoranjan Complex, Near Ajantha Gate, Mojamjahi Road, Hyderabad.

2. The Secretary, State Transport Authority, A.P.Hyderabad, Sri Burgula Ramakrishna Rao Bhavan, Tank Bund Road, Hyderabad.

3. The Managing Director, APSRTC, Musheerabad, Hyderabad.

4. 2 CCs to the Govt. Pleader for Transport, High Court of Andhra Pradesh, Hyderabad (OUT).

5. 2 CD copies.

6. One CC to Mr. T.Venkata Ramana, Advocate.

7. One CC to Mr. K.Srinivasa Rao, Advocate

GPK

HIGH COURT

DT. 24-8-2004

ORDER

WA: 1299 / 2004